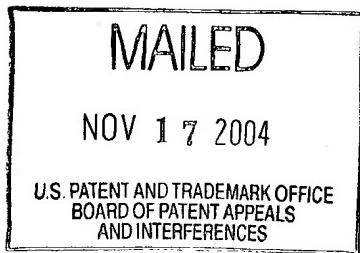


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FRIDJOV JOHANSEN

Application No. 09/746,560

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on October 26, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed February 3, 2003. It is not apparent from the record whether the examiner considered the statement submitted or notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. A communication notifying appellant of the examiner's decision is required.

In addition, page 2 of the IDS states:

Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in § 1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035.

The Patent and Trademark Office records reflect that this fee has not been charged.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for consideration of the IDS filed February 3, 2003;
2. for the \$180 IDS fee to be charged to appellant's Account No. 02-4035 as requested on page 2 of the IDS;
3. for appropriate written notification to appellant regarding the action taken; and
4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

KIMBERLY JORDAN

Program and Resource Administrator
(571) 272-9797

Application 09/746, 560

cc: Browdy and Neimark, P.L.L.C.
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kj/psb/lc